

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

MICHAEL ATKINSON,

Plaintiff,

vs.

CAPTAIN APODACA,
CORRECTIONS OFFICER
HILDERBRAND, CORRECTIONAL
OFFICER BAUER, CORRECTIONAL
OFFICER SIEGWORTH,
LIEUTENANT DIEMER,

Defendants.

Civil Action No.:
1:23-CV-00142-CBB

Christopher B. Brown
United States Magistrate Judge

ORDER

AND NOW, this 5th day of March, 2025,

Upon consideration of Corrections Defendants' motion for summary judgment ECF No. 35, Corrections Defendants' motion for summary judgment is granted in part and denied in part. The Court denies Corrections Defendants' motion related to Atkinson's Eighth Amendment claim for excessive force under 42 U.S.C. § 1983 against C/Os Hildebrand and Bauer for the alleged altercation that resulted from Atkinson refusing to return to his cell, denies Corrections Defendants' motion related to Atkinson's Eighth Amendment claim for failure to protect under 42 U.S.C. § 1983 against Lt. Diemer for failing to intervene to end the alleged assault by C/Os Hildebrand and Bauer; and denies Corrections Defendants' motion with

respect to compensatory and punitive damages. Corrections Defendants' motion is granted in all other respects.

BY THE COURT:

s/Christopher B. Brown
Christopher B. Brown
United States Magistrate Judge

cc: MICHAEL ATKINSON
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